

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Case No.: 2:16-cr-00279-JAD-PAL

United States of America,
Plaintiff

V.

Joshua Sadat Washington, et al.,
Defendants

**Order Granting Motion
to Continue Sentencing Hearing and
Denying Other Relief**

[ECF Nos. 227, 236, 238, 239]

Defendant Joshua Sadat Washington was convicted of interference with commerce by robbery, brandishing a firearm in furtherance of a crime of violence, and transportation of stolen property after the jury in his March 2018 trial returned a guilty verdict on all counts.¹ Sentencing is scheduled for June 11, 2018. Washington moves to continue that sentencing hearing for two months to permit him time to obtain mitigating evidence and to file objections to his presentence investigation report.² The government does not object.³ Accordingly, the court finds good cause to grant the two-month continuance.

Washington has also requested expedited copies of his trial transcripts “to assist with preparation for post-verdict motions and appellate motions.”⁴ However, he has not shown that he requires such transcripts to prepare his post-trial motions (he, in fact, filed a motion for judgment notwithstanding the verdict and an extensive supplement to that motion without the transcripts⁵), and appellate counsel has already requested the trial transcripts from the court

¹ ECF No. 225.

² ECF No. 238.

³ ECF No. 240.

⁴ ECF No. 227.

⁵ ECF Nos. 228, 230.

1 reporter for the purpose of appeal. So, I deny Washington's Motion Requesting Trial Transcripts
2 (Expedited Request).

3 Washington has also filed an Ex Parte Emergency Motion for an order allowing him to
4 consult with an expert prior to sentencing.⁶ Washington has not identified any such expert,
5 described the work to be performed, or identified the cost associated with this effort, and he does
6 not need court approval to consult with an expert that he pays for. He also does not specifically
7 request funds for this purpose. Although the court assumes that Washington is really asking for
8 court funds to permit him to hire such an expert (and, for that, he would need court approval), his
9 request is simply not developed enough for the court to determine what, exactly, Washington is
10 asking for and whether the court should grant that request. Accordingly, Washington's ex parte
11 emergency motion for an order approving expert evidence is DENIED without prejudice to
12 Washington's ability to seek funds for this purpose through the CJA process (likely with the
13 assistance of standby counsel).

14 Finally, Washington has filed a separate motion asking the court to grant various of his
15 motions because nobody has opposed them. Not all motions in criminal cases require parties to
16 respond. This is particularly true when opposing parties would not have an interest in the subject
17 matter of a motion (like with Washington's request for expedited trial transcripts⁷), or when the
18 party who is the subject of a motion was never served with that motion (as appears to be the case
19 with Washington's request to hold Corporation Trust Company of Nevada in contempt⁸).
20 Accordingly, I do not find that Washington's pending motions are the type that the court can
21 grant merely because nobody opposed them, so I deny his motion to grant these pending motions
22 simply because no opposition was filed.

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25 ⁶ ECF No. 239.

26 ⁷ See ECF No. 227.

27 ⁸ See ECF No. 231 (the certificate of service lists the Clerk of Court as the only recipient).
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Accordingly, IT IS HEREBY ORDERED that Washington's Motion to Continue Sentencing Hearing [ECF No. 238] is **GRANTED**. The **June 11, 2018, sentencing hearing is VACATED and continued to August 13, 2018, at 10:30 a.m.;**

IT IS FURTHER ORDERED that Washington's Motion Requesting Trial Transcripts and Motion to Grant Doc # 227, 231 due to Failure of Valid Respond [sic] by Court Ordered Response Dates **[ECF Nos. 227, 236] are DENIED**; and

Finally, IT IS FURTHER ORDERED that Washington's Ex Parte Emergency Motion Requesting an Order Approving Expert Evidence [ECF No. 239] is **DENIED** without prejudice.

Dated: May 22, 2018


U.S. District Judge Jennifer A. Dorsey